

REMARKS

I. Introduction

Claims 1-14 remain pending in the present application and remain rejected. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 1-3 and 5-11 under 35 U.S.C. § 103(a)

Claims 1-3 and 5-11 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,176,973 ("Takada") in view of U.S. Patent No. 6,556,349 ("Cox"). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 1 has been amended to recite, in relevant parts, “with an optical axis of each imaging unit defined as an axis through a common object point at an imaging position and the center of each imaging lens, directions of the optical axes of the imaging units adjacent to each other are different, said common object point and each imaging device are located at a conjugate position.” The amended feature is clearly supported by the original specification, e.g., lines 10-11 on page 9.

The present invention images each image of different minute division sections on a retina through a "common object point" by using a plurality of imaging units that separately correspond to such images, and produces a composite whole retina image (eyeground image) from each of such images. In this context, claim 1 clearly recites that “with an optical axis . . . defined as an axis through a common object point at an imaging position and the center of each imaging lens, directions of the optical axes of the imaging units adjacent to each other are different.” In this manner, as shown in Figs. 3(a) to 3(c) of the present application, a group of P' images of a "common object point" P having brightness and color information of corresponding minute division sections are formed on an imaging device of separate imaging units without being overlapped on each other. Then, by combining the group of the images P', the entire retina image (eyeground image) may be reproduced.

In contrast to the above-recited claimed feature, Takada discloses only one direction of an optical axis that passes through a pupil 12a which is an object point at an imaging position and a center of an imaging lens. Therefore, Takada clearly does not teach or suggest the claimed feature that “with an optical axis . . . defined as an axis through a common object point at an imaging position and the center of each imaging lens, directions of the optical axes of the imaging units adjacent to each other are different.” In addition, Cox similarly fails to teach or suggest this claimed feature. Cox discloses, in an embodiment shown in Figs. 3 and 4, an example in which each microlens uses an image point which is formed on a different position by a front optical member 4, i.e., an image point that is located in a different position on "an image plane 20 defined by the field of curvature," as an object point, and forms an image again on each optoelectronic device on a substrate 18. However, Cox does not disclose a "common object point" that is in a conjugate relationship with any image point that is formed on each optoelectronic device. Therefore, Cox clearly fails to teach or suggest the claimed feature that “with an optical axis . . . defined as an axis through a common object point at an imaging

position and the center of each imaging lens, directions of the optical axes of the imaging units adjacent to each other are different, said common object point and each imaging device are located at a conjugate position."

In view of the above, the overall teachings of Takada and Cox cannot render obvious claim 1 and its dependent claims 2-3 and 5-11.

III. Rejection of Claim 4 under 35 U.S.C. § 103(a)

Claim 4 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,176,973 ("Takada") in view of U.S. Patent No. 6,556,349 ("Cox"), as applied to claim 1 above, and further in view of U.S. Patent No. 5,751,836 ("Wildes"). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

Claim 4 depends on claim 1. As discussed above in connection with parent claim 1, Takada and Cox do not teach or suggest the limitation that "with an optical axis . . . defined as an axis through a common object point at an imaging position and the center of each imaging lens, directions of the optical axes of the imaging units adjacent to each other are different, said common object point and each imaging device are located at a conjugate position." In addition, Wildes similarly fails to teach or suggest the above-recited claimed limitation. Accordingly, the overall teachings of Takada, Cox and Wildes do not render obvious claim 1 and its dependent claim 4.

IV. Rejection of Claim 12 under 35 U.S.C. § 103(a)

Claim 12 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,176,973 ("Takada") in view of U.S. Patent No. 6,556,349 ("Cox"), as applied to claim 1 above, and further in view of U.S. Patent No. 5,886,780 ("Fukuma"). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

Claim 12 depends on claim 1, since claim 12 recites "an imaging system as recited in claim 1." As discussed above in connection with parent claim 1, Takada and Cox do not teach

or suggest the limitation that "with an optical axis . . . defined as an axis through a common object point at an imaging position and the center of each imaging lens, directions of the optical axes of the imaging units adjacent to each other are different, said common object point and each imaging device are located at a conjugate position." In addition, Fukuma similarly fails to teach or suggest this claimed limitation. Accordingly, the overall teachings of Takada, Cox and Fukuma do not render obvious claim 1 and its dependent claim 12.

V. Conclusion

It is therefore respectfully submitted that pending claims 1-14 are now in allowable condition. All issues raised by the Examiner have been addressed, and an early and favorable action on the merits is solicited.

Respectfully submitted,

KENYON & KENYON LLP

Dated: April 8, 2008



Jong H. Lee
Registration Number 36,197
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NUMBER 26646